

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK,
by BARBARA D. UNDERWOOD, Attorney
General of the State of New York,

Plaintiff,

-against-

DEBT RESOLVE, INC.;
HUTTON VENTURES, LLC;
PROGRESS ADVOCATES, LLC;
PROGRESS ADVOCATES GROUP, LLC;
STUDENT ADVOCATES, LLC;
STUDENT ADVOCATES GROUP, LLC;
STUDENT ADVOCATES TEAM, LLC;
STUDENT LOAN CARE, LLC;
STUDENT LOAN SUPPORT, LLC;
EQUITABLE ACCEPTANCE CORPORATION;
BRUCE BELLMARE; and
STANLEY E. FREMUTH,

Defendants.

NOTICE OF REMOVAL

ECF CASE

Case No. _____

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that Defendant, Equitable Acceptance Corporation (“EAC”), by and through its undersigned counsel, hereby remove the above-captioned action from the Supreme Court of the State of New York, County of New York, Index No. 451873-2018, to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §§ 1331, 1441(a) and 1446, and, in support hereof, state as follows:

1. On September 20, 2018, Barbara D. Underwood, in her official capacity as Attorney General of the State of New York (“Attorney General”), filed a complaint against EAC and other defendants in the Supreme Court of the State of New York, County of New York, bearing Index No. 451873-2018 (the “State Court Action”).

2. The Attorney General sent a Summons and Complaint to EAC, together with a Statement of Service by Mail and Acknowledgement of Receipt by Mail of Summons and Complaint (Exhibit A), which EAC received on September 24, 2018.

3. As reflected in the docket for the State Court Action, the Attorney General served or has attempted service of the Summons and Complaint upon the following Defendants:

Defendant	Docket Number for State Court Action	Exhibit
Debt Resolve, Inc.	NYSCEF Doc. No. 3: Affidavit of Service	Exhibit B
Progress Advocates, LLC	NYSCEF Doc. No. 4: Affidavit of Service	
Student Loan Care, LLC	NYSCEF Doc. No. 5: Affidavit of Service	
Bruce Bellmare	NYSCEF Doc. No. 6: Affidavit of Service	
Student Loan Care, LLC	NYSCEF Doc. No. 7: Affidavit of Service	
Debt Resolve, Inc.	NYSCEF Doc. No. 8: Affidavit of Service	
Progress Advocates Group, LLC Student Advocates, LLC Student Advocates Group, LLC Student Advocates Team, LLC	NYSCEF Doc. No. 9: Proof of Service	
Progress Advocates, LLC Student Loan Care, LLC	NYSCEF Doc. No. 10: Proof of Service	
Student Loan Support, LLC	NYSCEF Doc. No. 11: Order Form	
Hutton Ventures, LLC	NYSCEF Doc. No. 12: Proof of Service	
Student Loan Care, LLC	NYSCEF Doc. No. 13: Proof of Service	
Stanley F. Freimuth	NYSCEF Doc. No. 14: Statement of Service by Mail	
Equitable Acceptance Corporation	NYSCEF Doc. No. 15: Statement of Service by Mail	

4. In the complaint, the Attorney General alleges, in part, that EAC, as well as some or all of EAC's co-defendants have violated the following federal laws:

Causes of Action Arising Under Federal Law	Complaint Allegations
Credit Repair Organizations Act ("CROA"), 15 U.S.C. § 1679 et seq.	Ninth and Tenth Causes of Action. <i>See</i> , Complaint, ¶¶ 257-281.
Telemarketing Sales Rule, 16 C.F.R. § 310 et seq.	Eleventh and Twelfth Causes of Action. <i>See</i> , Complaint, ¶¶ 282-318.
Truth in Lending Act, 15 U.S.C. § 1601 et seq.	Fifteenth Cause of Action. <i>See</i> , Complaint, ¶¶ 354-364.

5. For such alleged violations, the Attorney General seeks: injunctive and declaratory relief as well as restitution to allegedly injured persons, disgorgement of profits, civil penalties, costs and other relief to be determined by the Court. *See*, Complaint, at 70-71.

6. EAC seeks removal of the State Court Action to this Court pursuant to 28 U.S.C. § 1441(a) because this is an action over which this Court would have original federal question jurisdiction.

7. This Notice of Removal is filed within “30 days after the receipt by [EAC], through service or otherwise, of a copy of the initial pleading” and is, therefore, timely-filed pursuant to 28 U.S.C. § 1446(b)(1).

8. EAC has obtained consent to removal from all co-defendants:

Defendant	Exhibit
Hutton Ventures, LLC	Exhibit C
Student Loan Support, LLC	Exhibit D
Progress Advocates Group, LLC Student Advocates, LLC Student Advocates Group, LLC Student Advocates Team, LLC	Exhibit E
Debt Resolve, Inc. Progress Advocates, LLC Student Loan Care, LLC Bruce Bellmare Stanley E. Freimuth	Exhibit F

9. EAC will, pursuant to 28 U.S.C. § 1446(d), promptly give written notice of this Notice of Removal to the Attorney General’s counsel of record, co-defendants, and will file a copy of this Notice of Removal with the clerk of the state court in which the State Court Action is pending.

WHEREFORE, Equitable Acceptance Corporation requests that this civil action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
October 24, 2018

Respectfully submitted,

BRESSLER, AMERY & ROSS, P.C.,

/s/ David J. Libowsky

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Counsel for Defendant, Equitable Acceptance
Corporation

CERTIFICATE OF SERVICE

I hereby certify that, on October 24, 2018, pursuant to Local Rule 5.3, service was made by overnight delivery service to the following:

Melvin L. Goldberg
Assistant Attorney General
Bureau of Consumer Frauds and Protection
28 Liberty Street
New York, NY 10005

/s/ David J. Libowsky
David J. Libowsky